

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Hideaki SUGIYA, et al.

U.S. Serial No. 10/686,514

Group Art Unit:

Filed: October 16, 2003

Examiner:

Reissue of Patent No.: 6,373,624

Patent Issued: April 16, 2002

For: OPTICAL AMPLIFIER AND AN OPTICAL AMPLIFICATION METHOD

REISSUE APPLICATION DECLARATION UNDER 37 C.F.R. § 1.175

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

We, Hideaki SUGIYA and Yoshihito Onoda declare that:

1. Our residences, post office addresses and citizenship are as stated below next to our respective names.
2. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Letters Patent No. 6,373,624 issued on April 16, 2002, and for which invention we solicit a reissue patent on the invention entitled OPTICAL AMPLIFIER AND AN OPTICAL AMPLIFICATION METHOD, disclosed in the reissue application filed October 16, 2003.
3. We hereby state that we have reviewed and understand the contents of the above-identified application, including the claims as amended and as added in the reissue application filed October 16, 2003.
4. We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

5. We hereby claim foreign priority benefit under Title 35, United States Code, Section 119, of Japanese Patent Application No. 8-236042 filed September 6, 1996, and there are no other foreign applications for patent or inventor's certificate having a filing date before Japanese Patent Application Number 8-236042 on which priority is claimed.

6. Applicants verily believe the original 6,373,624 patent to be wholly or partly inoperative or invalid by reason of the patentees' claiming more or less than they had the right to claim in the patent.

7. Each of the independent claims 1, 7, 8, 14, 15, 16, 17 and 18 in the original Patent No. 6,373,624 recite "an optical fiber through which an input light travels" as a claimed element in the body of the claim. With respect to the claims, and with respect to broadening the claims, one error being relied upon is that an independent claim could have been added which does not recite "an optical fiber through which input light travels" as a claimed element in the body of the claim. Therefore, the reissue application includes at least one independent claim which does not include this recitation as a claimed element in the body of the claim. For example, claim 34 was added in the reissue application. Claim 34 does not recite "an optical fiber through which an input light travels" as a claimed element in the body of the claim.

8. All errors, including those listed above, which are being corrected up to the time of filing of this reissue declaration arose without any deceptive intention on the part of the applicants (37 CFR 1.175(a)(2)).

9. We hereby appoint the attorneys and/or agents of Staas & Halsey LLP under USPTO Customer No. 21,171 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

10. Please send all correspondence related to the above-identified application to the following address:

STAAS & HALSEY LLP



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PATENT TRADEMARK OFFICE

11. We hereby declare that all statements made herein of our own knowledge are true, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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